



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Discount Machinery & Equipment, Inc.--
File: Request for Reconsideration
B-230567.2
Date: June 17, 1988

DIGEST

Request for reconsideration is denied where protester fails to show any basis that would warrant reversal or modification of the prior decision.

DECISION

Discount Machinery & Equipment, Inc. requests reconsideration of our decision, Discount Machinery & Equipment, Inc., B-230567, May 2, 1988, 88-1 CPD ¶ , denying its protest of the award of a contract to provide a radial drilling machine to Natco, Inc., under request for proposals (RFP) No. N00600-87-R-5659, issued by the U. S. Navy.

We deny the request for reconsideration.

The RFP solicited the lowest priced acceptable offer to provide a radial drilling machine for the Naval Sea Systems Command's Plant Equipment Support Office. The RFP stipulated that the equipment had to be a current production model and required offerors to submit manufacturer's published brochures, drawings, and technical manuals to demonstrate compliance with the current production model requirement. After discussions and evaluation of best and final offers (BAFOs), the Navy rejected Discount's proposal because it failed to meet the RFP's current production model requirement. Specifically, Discount proposed to interchange two drills, the Nardini FRN 50-1250 and the FRN 60; however, Discount did not submit a published brochure showing that such a hybrid configuration was possible.

In its protest, Discount argued that its equipment should have been accepted solely because the firm, as it indicated in its BAFO, recently furnished the identically configured machine to the Navy under another solicitation which called for a "current model," rather than a "current production model." We found no merit in this contention because the

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Navy, in its agency report, advised that the previous solicitation relied on by the protester did not require that the drill be a current production model. Moreover, we concluded that the fact that Discount's product may have been found acceptable in other procurements does not excuse a failure to satisfy the requirements in this RFP since each procurement stands alone in this regard. Discount Machinery & Equipment, Inc., B-223547, Aug. 29, 1986, 86-2 CPD ¶ 242; United Food Services, Inc., B-220367, Feb. 20, 1986, 86-1 CPD ¶ 177. Since it was clear that Discount's offer did not meet RFP requirements, we concluded that its proposal properly was rejected.

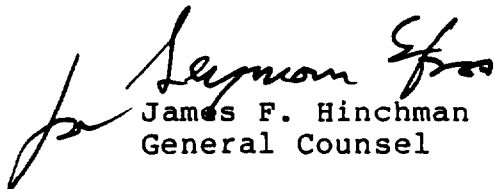
In its request for reconsideration, Discount again argues that it furnished the identically configured machine to the Navy under another solicitation. Discount has provided paragraph 3.3.3 of that solicitation for our review which refers to a "new and . . . current model" as evidence of the Navy's inconsistent treatment of Discount's machine and, further, as evidence that the Navy "deliberately misinformed" our Office regarding the prior solicitation because its agency report advised us that that solicitation did not require that the drill be a current production model.

Even assuming that the Navy may have accepted the same hybrid machine under another solicitation, Discount does not deny that here it failed to comply with the RFP descriptive literature requirements to establish that it would provide a current production model which by the terms of the RFP precluded untested or experimental units, and requires a record of past sales or advertisement in current published brochures. Discount was informed during discussions that its proposal did not meet the "current production model" requirement in the RFP and thus was advised of this deficiency prior to submitting its BAFO. Discount simply failed to correct this deficiency. Instead of submitting a published brochure showing that a hybrid of two models was possible, Discount merely confirmed its initial proposal and stated that the Navy had accepted the same equipment under a prior solicitation. We remain of the view that without some additional information or explanation, the agency could reasonably consider the offered equipment at not being a current production model within the meaning of the RFP terms. As to Discount's contention that the agency "deliberately misinformed" our Office regarding the equipment requirements of the prior solicitation, we find this to be irrelevant to the requirements of the RFP in question

here.^{1/} See Discount Machinery & Equipment, Inc., B-223547, supra.

We therefore are not persuaded that we erred in our prior decision in concluding that Discount's BAFO was properly rejected as unacceptable. Discount has failed to present any new evidence to the contrary.

The request for reconsideration is denied.


James F. Hinchman
General Counsel

^{1/} We do note that a distinction can be made between a current model as required in the prior Naval solicitation and a current production model as required here.